THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

AND

THE HON'BLE SRI JUSTICE D. APPA RAO

Writ Appeal No. 542 of 2006

Date: 30.05.2006

Between:

Mule Ragamma

….. Appellant

and

The Assistant Commissioner, Endowments, Prakasam District and others.

…. Responents.

JUDGMENT: *(per the Hon'ble Sri Justice L. Narasimha Reddy*)

The appellant is a lessee in respect of Acs.7.84 cents of land in survey No. 326 of Chinnalatiripi village of Gudluru mandal, Prakasam district. She pleads that after expiry of lease in the year 2004, the Manager of the temple extended it, for another period of two years, by fixing the maktha at Rs.8,000/- per annum. The second respondent, however, initiated steps to put the leasehold rights of the land to auction. It is stated that the Managing Trustee, who was instrumental in extending the lease of the appellant, was placed under

suspension. The appellant filed Writ Petition No.22387 of 2005, challenging the action of the respondents in proposing to put the leasehold rights of the land to auction. The writ petition was dismissed on 21.03.2006. Hence, this writ appeal.

Heard the learned counsel for the appellant and the learned Government Pleader for Endowments.

The learned Single Judge recorded a definite finding to the effect that the appellant was not recognized as a small farmer by the prescribed authority under the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act') and the Rules made there under. Section 82 of the Act has brought about termination of all the subsisting tenancies, in the year 2003 itself. Rules were framed in G.O.Ms.No.379, dated 11.03.2003 prescribing the procedure for recognizing the small farmers in the context of continuing them as lessees. Except where an existing lessee is treated as a small farmer, the leasehold rights of the agricultural lands belonging to the temples are invariably to be put to auction. It was in this context that the leasehold rights of the lands of the temple in question were put to auction. We do not find any basis to interfere with the order under appeal.

The writ appeal is accordingly dismissed. There shall be no order as to costs.

The learned counsel for the appellant submits that there is an existing standing crop on the land and that the appellant may be permitted to harvest the same. In case, any existing crop is there on the land, it shall be open to the appellant to make a suitable representation to respondents No.1 and 2, who, in turn, shall verify the matter and pass appropriate orders in this regard.

(L.NARASIMHA REDDY,J)

(D. APPA RAO, J)

Dt. 30.05.2006.

ksld/kdl